

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE ELECTRONIC BOOKS ANTITRUST : 11md2293 (DLC)  
LITIGATION : Related to all  
 : matters  
----- X  
THE STATE OF TEXAS, et al., : 12cv3394 (DLC)  
Plaintiffs, :  
-v- : ORDER  
PENGUIN GROUP (USA) INC., et al., :  
Defendants. :  
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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 9/12/14

DENISE COTE, District Judge:

On August 1, 2014, this Court granted preliminary approval of a settlement of the above-captioned actions and approved a plan to notify affected consumers. By letter of September 12, 2014, Plaintiff States and Class Counsel ("Plaintiffs") advise that the email notice sent beginning on September 10 ("September 10 Notice") mistakenly included language from an earlier draft notice concerning class certification. In particular, the September 10 Notice erroneously states that "[t]he case is scheduled to go to trial to determine if Apple must pay any money." Plaintiffs request permission to send a corrected notice, attached to the September 12 letter as Exhibit B (the "Corrected Notice"), which includes a headline stating: "This is a corrected Settlement Notice. The information in the first

paragraph below has been modified. Please disregard the prior Apple E-books Settlement email notice you may have received on September 10th or 11th, 2014." It is hereby ORDERED that Plaintiffs' request is granted.

Dated: New York, New York  
September 12, 2014

  
DENISE COTE  
United States District Judge